

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 1, 1993
AT 9:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m. The meeting was recessed by Mayor Golding at 11:32 a.m. to meet in Closed Session, in the 12th floor conference room for City Attorney's advice on the Rancho Penasquitos Community Plan Update, docketed as Item 331 of June 1, 1993.

The meeting was reconvened by Mayor Golding at 11:42 a.m. with Council Members Hartley and McCarty not present. Mayor Golding recessed the meeting at 12:27 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:07 p.m. with all Council Members present. Mayor Golding adjourned the meeting at 2:49 p.m. to convene the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-excused by R-282211
(illness)
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-excused by R-282212
(death in family)
- (8) Council Member Vargas-present
- Clerk-Abdelnour (rb/ll)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Bishop George D. McKinney, Saint
Steven's Church of God in Christ.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Behr.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-30: DENIED HEARING

Matter of the request of Emmy A. Schoene for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially approving the request to maintain the following, currently in violation:

- (1) A maximum 6'-3" high solid wall within the required front yard, where a maximum 6'-0" high fence is permitted provided that the bottom 3'-0" is solid and the top 3'-0" is 50 percent open, in compliance with design criteria;
- (2) A maximum 8'-2" solid wall within the required side yard where a maximum 6'-0" solid wall with a maximum of 3'-0" open fence on top is permitted.

The project is located at 2405 Marilouise Way and is further described as Lot 20, Block B, Presidio Hills, Map-1934, in the R1-5000 Zone, within the Uptown Community Plan Area.

(Zoning Appeals Case C-21071. District-2.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE-Zoning Appeals Case C-21071

COUNCIL ACTION: (Tape location: A078-089.)

MOTION BY ROBERTS TO ALLOW THE ZONING APPEALS BOARD DECISION TO STAND. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-50:

Eleven actions related to Regulatory Relief:

PUBLIC IMPROVEMENTS & RIGHT OF WAY

Subitem-A: (O-93-158) ADOPTED AS ORDINANCE O-17916 (New Series)

Amending Chapter X, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 102.0204, relating to Parcel Maps.

(Introduced on 5/18/93. Council voted 9-0.)

Subitem-B: (O-93-157) ADOPTED AS ORDINANCE O-17917 (New Series)

Amending Chapter XI, Article 1, Division 10, of the San Diego Municipal Code, by amending Section 111.1030, relating to Reversions, Vacations and Abandonments.

(Introduced on 5/18/93. Council voted 8-1. District 1 voted nay.)

Subitem-C: (O-93-142) ADOPTED AS ORDINANCE O-17918 (New Series)

Amending Chapter VI, Article 2, Division 1, of the San Diego Municipal Code, by amending Section 62.0111 relating to Bonds.

(Introduced on 5/18/93. Council voted 9-0.)

Subitem-D: (O-93-156) ADOPTED AS ORDINANCE O-17919 (New Series)

Amending Chapter VI, Article 2, Division 2, of the San Diego Municipal Code, by amending Section 62.0206 relating to Public Improvements Incidental to a Building Permit or Structure.

(Introduced on 5/18/93. Council voted 9-0.)

Subitem-E: (O-93-161 Cor. Copy) ADOPTED AS ORDINANCE
O-17920 (New Series)

Amending Chapter VI, of the San Diego Municipal Code, by amending Section 65.0216 relating to Notice of Hearing to Property Owners.

(Introduced on 5/18/93. Council voted 8-1. District 1 voted nay.)

PLANNING & ZONING

Subitem-F: (O-93-146) ADOPTED AS ORDINANCE O-17921 (New Series)

Amending Chapter X, Article 1, Division 6, of the San Diego Municipal Code, by amending Section 101.0608 relating to Temporary Nonconforming Uses in Residential Zones.

(Introduced on 5/18/93. Council voted 9-0.)

Subitem-G: (O-93-153) ADOPTED AS ORDINANCE O-17922 (New Series)

Amending Chapter VII, Article 1, Division 1, of the San Diego Municipal Code, by amending Section 71.0102, relating to Definitions; and by amending Section 71.0103 relating to Transportation Demand Management Phasing.

(Introduced on 5/18/93. Council voted 9-0.)

UNIFORM BUILDING & FIRE CODES

Subitem-H: (O-93-141) ADOPTED AS ORDINANCE O-17923 (New Series)

Amending Chapter IX, Article 1, Division 3, of the San Diego Municipal Code, by amending Section 91.0303, relating to Permits Issuance; by amending Article 3, Division 1, Section 93.0112 relating to Stop Orders; by amending Article 3, Division 3, Section 93.0312 relating to Validity; and by amending Chapter X, Article 3, Division 4, Section 103.0403 relating to Procedures for Special Permit Application and Review.

(Introduced on 5/18/93. Council voted 8-1. District 3 voted nay.)

Subitem-I: (O-93-143) ADOPTED AS ORDINANCE O-17924 (New Series)

Amending Chapter IX, Article 1, Division 85, of the San Diego Municipal Code, by amending Section 91.8507 relating to Security Requirements.

(Introduced on 5/18/93. Council voted 9-0.)

Subitem-J: (O-93-144) ADOPTED AS ORDINANCE O-17925 (New Series)

Amending Chapter IX, Article 1, Division 86, of the San Diego Municipal Code, by amending Section 91.8604 relating to Demolition of Structures.

(Introduced on 5/18/93. Council voted 9-0.)

Subitem-K: (O-93-154) ADOPTED AS ORDINANCE O-17926 (New Series)

Amending Chapter IX, Article 1, Division 86, of the San Diego Municipal Code, by amending Section 91.8603 relating to Demolition of Structures - Filing Applications, Notification to Tenants, Expiration of Permit.

(Introduced on 5/18/94. Council voted 8-1. District 1 voted nay.)

Subitem-L: (O-93-155) ADOPTED AS ORDINANCE O-17927 (New Series)

Amending Chapter V, Article 5, Division 3, of the San Diego Municipal Code by adding Section 55.0310.0401; by amending Chapter V, Article 5, Division 4 by adding Section 55.0425.0502; and by amending Chapter V, Article 5, Division 7 by adding Section 55.0780.0103 all relating to the Uniform Fire Code, 1991 Edition.

(Introduced on 5/18/93. Council voted 8-1. District 3 voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A230-291.)

MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES WITH THE VOTES RECORDED CONSISTENT WITH PREVIOUS VOTES IN THIS MATTER. Second by Stevens. Passed by the following vote: Wolfsheimer-yea (nay on Subitems B,E, and K), Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-100: (R-93-1749) ADOPTED AS RESOLUTION R-282047

Accepting the low base bid in the amount of \$28,987.20 and awarding a contract to Concrete Improvements, Inc., for construction of cross gutters on Front Street at Kalmia Street and Laurel Street; authorizing the Auditor and Comptroller to transfer \$20,000 from CIP-58-004, Annual Allocation Miscellaneous Requirements - City Streets, TransNet Fund 30300, to

CIP-11-254.0, Front Street Drain - Laurel Street and Kalmia Street; authorizing the expenditure of not to exceed \$87,000 from CIP-11-254.0, Fund 30300 for the project and related costs. (BID-K3537/93M)
(Uptown Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION:

The existing street underdrains at the intersections of Front Street at Kalmia Street and Laurel Street are badly deteriorated, plug up easily, and are difficult to maintain. This project will remove the underdrain system and construct concrete cross gutters to handle drainage. Bids were opened on January 6, 1993, with the low bid of \$28,987.20 from Concrete Improvement, Inc. This bid was the lowest of the eleven bids received from 21 bid packages issued and was 40.7 percent below the engineer's estimate of \$48,900. The second low bid was from Basile Construction Company for \$30,937.84. It is recommended that this contract be awarded to Concrete Improvement, Inc.

Aud. Cert. 9301058.

FILE LOCATION: CONT-Concrete Improvements, Inc. CONT FY93-1

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-101:

Two actions related to San Ysidro Boulevard - I-805 to Border Village Road:
(San Ysidro Community Area. District-8.)

Subitem-A: (R-93-1746) ADOPTED AS RESOLUTION R-282048

Inviting bids for Construction of San Ysidro Boulevard - I-805 to Border Village Road - Phase II on Work Order No. 119176; authorizing a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$960,000 from CIP-52-166.1, San Ysidro Boulevard - Smythe Avenue to Border Village Road, Prop. A Fund 30300 for acquisition of property rights and related costs; authorizing the expenditure of not to exceed \$3,225,000 from CIP-52-166.1, San Ysidro Boulevard - Smythe Avenue to Border Village

Road, Prop. A Fund 30300, for construction, engineering, and administration costs; authorizing the increase of \$145,000 in State/Local Partnership fund; authorizing the expenditure of approximately \$600,000 from State and Local Partnership grant fund S/L determined to be 21.57 percent of the actual construction costs identified in CIP-52-166.1, San Ysidro Boulevard - Smythe Avenue to Border Village Road. (BID-K3834/93)

Subitem-B: (R-93-1748) ADOPTED AS RESOLUTION R-282049

Certifying that the information contained in Negative Declaration DEP-930258, dated May 20, 1993, in connection with the construction of San Ysidro Boulevard I-805 to Border Village Road - Phase II, has been completed in compliance with the California Environmental Quality Act of 1970 and the State guidelines and that the Declaration has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

This project will improve San Ysidro Boulevard, Border Village Road, and Virginia Avenue between I-805 and the existing San Ysidro Boulevard/Border Village Road intersection. The project will extend Border Village Road northerly to San Ysidro Boulevard to form a couplet system of San Ysidro Boulevard and Border Village Road. The couplet will improve traffic circulation in this congested portion of San Ysidro Boulevard. The project will replace pavement, curb and gutters, improve storm drains, accommodate bus stops, add traffic signals, underground existing utilities, landscaping, decorative walk, benches and other street amenities. This project must be awarded before June 30, 1993, to qualify for approximately 21 percent (\$600,000+) State and Local Partnership funding. Right-of-way is currently being acquired and should be completed by September 1993. Construction is scheduled to begin in October 1993 after right-of-way has been completed.

Aud. Cert. 9301069.

FILE LOCATION: W.O. 119176 CONT - Granite Construction
Company CONT FY93-1

COUNCIL ACTION: (Tape location: A200-224.)

MOTION BY VARGAS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

Two actions related to the Construction of University Avenue/Lincoln Avenue Two-Way Couplet System:
(North Park Community Area. District-3.)

Subitem-A: (R-93-1750) ADOPTED AS RESOLUTION R-282050

Inviting bids for the Construction of University Avenue/Lincoln Avenue Two-Way Couplet System on Work Order No. 119688;

Authorizing a contract with the lowest responsible bidder;

Authorizing the transfer of \$124,000 from CIP-11-260.0, TransNet Fund 30300, Ohio Street Drain - University Avenue to Lincoln Avenue, to CIP-52-462.0, University Avenue/Lincoln Avenue Two-Way Couplet System;

Authorizing the transfer of \$392,000 from CIP-52-504.0, Gas Tax Fund 302191, University Avenue - Bancroft to Boundary, to CIP-52-462.0, University Avenue/Lincoln Avenue Two-Way Couplet System;

Authorizing the expenditure of \$3,645,300 from CIP-52-462.0, University Avenue/Lincoln Avenue Two-Way Couplet System (\$2,713,300 TransNet Fund 30300, \$392,000 Gas Tax Fund 302191, and \$540,000 State/Local Partnership Fund);

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K3840/93)

Subitem-B: (R-93-1751) ADOPTED AS RESOLUTION R-282051

Authorizing a first amendment to the Consultant Agreement with RBF/Sholders & Sanford (formerly Sholders and Sanford, Inc.), for CIP-52-462.0, University Avenue/Lincoln Avenue Two Way Couplet System; authorizing the expenditure of \$30,000 from CIP-52-462.0, University Avenue/Lincoln Avenue Two-Way Couplet System.

CITY MANAGER SUPPORTING INFORMATION:

The University Avenue/Lincoln Avenue Two-Way Couplet System between Utah Street on the west and I-805 on the east will divert

traffic onto the underutilized Lincoln Avenue, thereby reducing congestion on University Avenue. In order to better coordinate work within the community, the Ohio Street Drain - University to Lincoln Avenue work has been included in the couplet project. On Lincoln Avenue, the existing cross-gutters will be removed and traffic signals will replace all-way stops at Wabash, 32nd Street, and Utah Street. The traffic signals on both University and Lincoln Avenues will be interconnected to provide for a more efficient flow of vehicles. Additionally, University Avenue will be widened for a right-turn lane on the southerly side from Bancroft to Boundary and easterly from I-805 to the on-ramp. Through interaction between City staff and the business/residential community which was represented by the North Park Task Force, a better understanding of the community's needs were discovered and project goals were identified necessary for continued project support. The goals-enhancement of the project through landscaping and streetscape amenities will require the services of a landscape architect. These services will be obtained by amending the project's existing consultant design contract for the additional work in the amount of \$30,000.

Aud. Cert. 9301087.

FILE LOCATION: W.O. 119688 CONT - West Coast General
Corporation CCONT FY93-1; CONT FY93-1

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-103: (R-93-1908) ADOPTED AS RESOLUTION R-282052

Proclaiming May 22, 1993 to be "United States
International University International Friendship
Festival Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-104: (R-93-1887) CONTINUED TO JUNE 7, 1993

Approving the retention of the Law Firm of Sullivan, Hill, Lewin & Markham to assist the City Attorney in connection with the Chapter 11 proceedings in bankruptcy of MBM Associates, Ltd. (FISDRIP Assessment District) for a sum not to exceed \$30,000;

authorizing the expenditure of not to exceed \$30,000 from Unallocated Reserve Fund No. 79900.

Aud. Cert. 9301045.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO CONTINUE ONE WEEK FOR PROPER SIGN-OFF OF E.E.O. REPORTS BY THE EQUAL OPPORTUNITY CONTRACTING OFFICER. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-105: (R-93-1916) ADOPTED AS RESOLUTION R-282053

Authorizing refunds of Housing Trust Fund fees to Homart, K-Mart and The Price Club in a total amount not to exceed \$500,000 including interest, in settlement of litigation, with such refunds to be made from available Housing Trust Funds.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A292-329.)

MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-106: (R-93-1515) ADOPTED AS RESOLUTION R-282054
Transferring \$80,000 in Community Development Block Grant (CDBG) funds from Fund 18528, Dept. 4022, Org.

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2206, to the Ozark Street Improvements Project
CIP-39-255.0, Fund 98774, Dept. 9544, Org. 2009.
(See memo from SEDC. District-4.)

Aud. Cert. 930180.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-200: (R-93-1250) RETURNED TO CITY MANAGER

Continued from the meeting of May 17, 1993, Item 107,
at the City Manager's request, for further review.)

Awarding a contract to San Diego Turf for 48 month
lease of groundskeeping equipment with an option to
purchase the equipment at the end of the lease period,
for a total lease payment of \$551,424.96 with a buyout
option if the City chooses to exercise it of \$73,601,
total payment for the first year \$137,880.24, per
payment rates on file in the Purchasing Department
payable monthly in advance in the amount of \$11,490.02;
lease subject to termination at the end of any fiscal
year per terms of bid should funds not be appropriated
by City Council; authorizing the expenditure, not to
exceed \$137,880.24 for the first year, from Fund No.
41400, Department No. 730, Object Account No. 4222, and
Job Order Nos. 007321 and 007331 for providing funds
for said project and related costs, and authorizing the
Auditor and Comptroller, upon advice from the
administering department, to transfer excess budgeted
funds, if any, to the appropriate reserves.
(BID-P3532/93)

Aud. Cert. 9300977.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-093.)

ITEM RETURNED AT CITY MANAGER'S REQUEST.

ITEM-201: (R-93-1442 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-282055; RECOMMENDATIONS 1-4
CONTINUED TO JULY 6, 1993

Accepting the recommendations of the City Manager, in response to the management audit of the San Diego Data Processing Corporation (SDDPC); directing the City Manager and SDDPC to report back to the City Council on a semi-annual basis.
(See City Manager Reports CMR-93-156 and CMR-93-73.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A339-B069.)

Motion by Roberts to suggest that we (Council), in effect, on an interim basis, become the board of directors and release the existing board. Secondly, that we direct the City Manager to review the administration of this organization with the intention of putting out for private bid as much of the work as possible and to prepare a report as to which things should be permanently pulled into the City, which things should be put out for private companies, and to what extent we need a semi-private data processing corporation. No second.

MOTION BY ROBERTS TO ADOPT ITEM NO. 5 AND 6 (OF THE CITY MANAGER'S RECOMMENDATIONS), AND REQUEST THAT THE OTHER RECOMMENDATIONS (NO. 1-4) BE BROUGHT BACK IN 30 DAYS WITH COMMENTS FROM THE CITY MANAGER'S OFFICE REGARDING THE EARLIER MOTION. Second by Stallings. Passed by the following vote: Wolfsheimer-ineligible, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-330: CONTINUED TO SEPTEMBER 28, 1993

Three actions related to the preliminary public hearing for the improvement of traffic islands in Federal Boulevard:
(See City Manager Report CMR-93-109. Webster Community Area. District-4.)

Subitem-A: (R-93-1550)

Initiating proceedings for the formation of the Federal Boulevard Landscape Maintenance District.

Subitem-B: (R-93-1551 Corr. Copy)

Directing the City Manager to prepare plans, specifications and estimates for the improvement of traffic islands in Federal Boulevard between Euclid Avenue and 47th Street under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-C: (R-93-1552)

Authorizing the expenditure of not to exceed \$270,000 from CIP-52-521.0, Annual Allocation - City Assisted Local Street Improvement Projects, for providing funds to subsidize the street improvements to low income areas (from Transnet Fund 30300) and related costs.

Aud. Cert. 9300884.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B170-C065.)

Hearing began at 11:00 a.m. and halted at 11:32 a.m.

Testimony in favor by Derryl Williams.

Testimony in opposition by Erwin Holk, Betty Thomas, Lawce Petteway, Henry Clark, Dwayne Jackson, Ledell Williams, Lucy M. Glover, and Josephine Warren.

MOTION BY STEVENS TO CONTINUE THE ITEM FOR THREE MONTHS FOR FURTHER REVIEW BY THE COMMUNITY. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-nay, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-331:

As part of the Rancho Penasquitos Community Plan Update the following will be considered:

1. Adoption of the Rancho Penasquitos Community Plan as it relates to the land use designation of the Paraiso Cumbres property in the Black Mountain neighborhood.
2. Application of the Community Plan Implementation Overlay Zone (CPIOZ-Type B) to one neighborhood

commercial property (as shown on B-4025), within the Rancho Penasquitos planning area. This overlay zone would regulate land use and design.

3. Possible language changes in the Rancho Penasquitos Community Plan regarding new I-15 bus service; the Taylor-Lee ownership in the Black Mountain and Sunset Hills neighborhoods; and, the R.V./Mini-warehouse facility.
4. Adoption of amendments to the Progress Guide and General Plan to reflect the land use designation of the Paraiso Cumbres property and possible language changes noted above.

Subitem-A: (R-93-2063) ADOPTED AS AMENDED AS RESOLUTION
R-282056

Adoption of a Resolution approving the Rancho Penasquitos Community Plan as it relates to the land use designation of a portion of the Black Mountain neighborhood and approving text changes relating to bus service, the Taylor-Lee ownership and the R.V./Mini-warehouse facility.

Subitem-B: (O-93-132) INTRODUCED, TO BE ADOPTED JUNE 14,
1993

Introduction of an Ordinance designating an area in the Penasquitos Unit #1 into the CPIOZ Zone.

FILE LOCATION: LAND- Rancho Penasquitos Community Plan

COUNCIL ACTION: (Tape location: C079-D124.)

Hearing began at 11:42 a.m. and halted at 12:27 p.m.

Testimony in favor by Cindy Shaffer, Janay Kruger, and David Poole.

Testimony in opposition by Karen Ash, Chris Wetmore, Harold Dvorak, Claire Sandy, Connie Houk, Junaaid Razvi, Dawnene Wilson, and Kevin McNamara.

MOTION BY WOLFSHEIMER TO ADOPT THE RECOMMENDATIONS OF THE PLANNING DEPARTMENT AND PARDEE AS IT DEALS WITH THE LAND USE DESIGNATION OF PARAISO CUMBRES. THAT WOULD PUT 197 ACRES INTO OPEN SPACE AND 35 ACRES INTO LOW DENSITY RESIDENTIAL AT THIS TIME. THE COMMUNITY HAS NEARLY A 140-DAY PERIOD IN WHICH THEY COULD LOOK FOR FUNDS TO PURCHASE, IN WHICH THEY

COULD NEGOTIATE WITH RTC AND, IN WHICH THEY COULD ALSO LOOK INTO AN ASSESSMENT DISTRICT. THEY MAY COME BACK AT ANY TIME FOR THE REZONING. AS RELATED TO ITEM NO. 2, THE OVERLAY ZONE IS APPROPRIATE. THE THIRD RECOMMENDATION, MAKE CORRECTION TO LANGUAGE REGARDING THE NEW I-15 BUS SERVICE (PAGE 125 OF THE PLAN UPDATE) TO STATE: "EXPRESS AND/OR LIMITED STOP BUS SERVICE SHOULD BE PROVIDED FROM RANCHO PENASQUITOS TO MAJOR EMPLOYMENT AND COMMUNITY ACTIVITY CENTERS."

DELETE THE REMAINING LANGUAGE IN THE SENTENCE. KEEP THE WORD "EQUIVALENT" IN THE TEXT (PAGE 92 OF THE PLAN UPDATE) AT THIS TIME AS RECOMMENDED BY THE PLANNING DEPARTMENT. ACCEPT MAYOR GOLDING'S RECOMMENDATION TO DIRECT THE CITY MANAGER TO LOOK INTO THIS AREA'S ABILITY TO BE USED AS MITIGATION FOR SOME OF THE PROGRAMS SUCH AS THE MULTIPLE SPECIES HABITAT PROGRAM. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-nay, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-nay.

ITEM-332: CONTINUED TO JUNE 15, 1993

Reconsider the Kearny Mesa Community Plan and the Progress Guide and General Plan land use designations for various properties within or near the western Flight Activity Zone of Montgomery Field Airport, as shown on Map 1. The City Council's reconsideration of recommended land uses in the subject area is in response to the regional Airport Land Use Commission's determination that the Kearny Mesa Community Plan and the Progress Guide and General Plan of the City of San Diego inappropriately designates property within the western Flight Activity Zone of Montgomery Field Airport for commercial use.

Specifically, the City Council will consider: 1) changing the land use designation of properties within the Kearny Mesa Community Plan, that lie within or near the Flight Activity Zone area, from General Commercial to Industrial and Business Park; 2) changing the Progress Guide and General Plan land use designation of properties, that lie within or near the Flight Activity Zone area, from Office and Specialized Commercial to General Industrial; or 3) maintaining the current land use designations, of the Kearny Mesa Community Plan and Progress Guide and General Plan for

the City of San Diego, and overriding the decision of the regional Airport Land Use Commission.

Following City Council action, the City will notify the Airport Land Use Commission of the decision of the City Council on the appeal.

(Kearny Mesa Community Plan. Districts-5 and 6.)

Subitem-A: (R-93-1890)

Adoption of a Resolution designating land use implementations for the Kearny Mesa Community Plan and the Montgomery Field Comprehensive Land Use Plan (CLUP), and amendment of the Progress Guide and General Plan, to become effective at the next scheduled omnibus hearing.

Subitem-B: (R-93-)

Adoption of a Resolution declaring that the information contained in Environmental Impact Report DEP-87-0626 and Supplemental Environmental Impact Report DEP-91-0844 with Findings and statement of overriding considerations pursuant to California Public Resources Code Section 21081, have been previously reviewed and certified by this Council in connection with Resolution No. R-280820, adopted on October 6, 1992.

FILE LOCATION: LAND-Kearny Mesa Community Plan

COUNCIL ACTION: (Tape location: B073-160; E017-110.)

Testimony by Bill Sanders, and Jay White in opposition to the continuance of the item.

Testimony by Rebecca Michael in favor of the continuance of the item. Testimony by Bill Sanders opposed to the project. Motion by Behr to continue the item to June 15, 1993, for full Council attendance. Second by Roberts. Failed. Yea: 2,4,5. Nay: 1,6,8,M. Not present: 3,7.

MOTION BY BEHR TO CONTINUE TO JUNE 15, 1993 FOR FULL COUNCIL. Second by Stevens. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-nay, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-S400: (R-93-1925) ADOPTED AS RESOLUTION R-282057

Declaring May 29, 1993, to be "Dr. S.M. Lockridge Day" in San Diego; commending Dr. S.M. Lockridge for his sterling leadership, dedication and unequalled service as he retires.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-S401: (R-93-1940) ADOPTED AS RESOLUTION R-282058

Commending Bill Otterson for his service to the community and proclaiming May 28, 1993 to be "Bill Otterson Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-S402: (R-93-1791 REV.) CONTINUED TO JUNE 7, 1993

Directing the Department of Legislative Services to send a letter to the Chairman of the House Committee on Banking, Finance, and Urban Affairs, Honorable Henry Gonzalez, requesting that the Committee conduct a special hearing in San Diego to examine the impact of the procedures and practices of the Resolution Trust Corporation (RTC) in the seizure of the Home Federal Bank Corporation on the economy of the City of San Diego;

Supporting recapitalization of HomeFed Bank so that it can return to functioning as an important community financial institution in San Diego.

(See memo from Councilmember Stevens dated 5/18/93 and Special Report of the Reinvestment Task Force.)

COMMITTEE ACTION:

Reviewed by RULES on 5/24/93. Recommendation to approve.
Districts 2,3,5,6 and Mayor voted yea.

SUPPORTING INFORMATION:

On March 19, 1993, the San Diego City-County Reinvestment Task Force voted to communicate to the Chairman of the Congressional Banking Committee concerns regarding the dismantling of HomeFed Bank, and its affect on the local economy. A review of factors surrounding the takeover of Home Federal Bank Corporation done by the City-County Reinvestment Task Force indicates that a more thorough analysis of its impacts on the San Diego economy may be in order. The factors include:

The takeover of HomeFed bank by the RTC was announced, then delayed for one year, while the RTC sought funds from Congress to dismantle the corporation. During that delay, stock values fell from about \$45 per share to \$1 or \$2 per share. Deposits dropped from over \$7 billion in 1990 to less than \$3 billion in 1992.

A review of the RTC property sales of HomeFed assets done by the San Diego City-County Reinvestment Task Force for 1991 shows average sale of residential properties at 30-40% below appraised value. Sale of the commercial assets have generally occurred at greater margins. Property values in San Diego have been impacted by the sale of properties below value.

The RTC has spent an estimated \$40 million in administrative costs to dismantle the Home Fed Corporation. These costs are adding to the losses incurred by Home Fed, creating additional losses.

According to the County of San Diego Tax Assessor, significant amounts of local tax revenues have been lost due to sale of properties at depleted value.

In spite of a federal obligation, established by the Financial Institutions Reform and Recovery Act (FIRREA), to make units available for affordable housing, no affordable housing sales have been made by the RTC in San Diego County.

The impact of the RTC takeover of Home Federal Bank has drastically impacted San Diego residents ability to secure home loans. Home Federal has consistently ranked first

among homelenders to buyers in older areas of the City. In 1988 they loaned \$95 million in these communities. After the RTC takeover, less than \$35 million has been loaned.

As of December 1, 1992, twelve (12) local banks have been subject to some kind of supervision by the FDIC. The combined deposits of these institutions, a large portion of which cannot be loaned due to reserve requirements, is over \$500 million. Depletion of property values caused by RTC sales may have impacted the local economy and may have impacted the economic condition of these banks. Access to credit has been diminished. These findings raise some questions about the impact of the RTC take over of HomeFed on the San Diego economy.

1. Was the initial takeover poorly timed, leading to the loss of millions of dollars to investors?
2. Was a reasonable rate of return generated on the sale of assets by the RCT?
3. Were FIRREA regulations regarding the sale of affordable housing complied with?
4. What exactly has been the impact of the RTC takeover of the HomeFed on the San Diego economy?

It is requested that the City Council support a resolution to be sent to the Chairman of the House Committee on Banking, Finance and Urban Affairs, Honorable Henry Gonzalez, requesting that a special hearing of the Committee be conducted to review the impact of the RTC takeover of local banking institutions on the San Diego economy.

FILE LOCATION:

COUNCIL ACTION: (Tap location: A099-196.)

CONSENT MOTION BY STEVENS TO CONTINUE THE ITEM TO JUNE 7, 1993, DUE TO THE ITEM GIVEN A JUNE 7, 1993 HEARING DATE FOR COUNCIL AT THE TIME IT WAS HEARD AT THE RULES COMMITTEE. Second by Vargas. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-not present,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present,
Vargas-yea, Mayor Golding-yea.

* ITEM-S403: (R-93-1973) ADOPTED AS RESOLUTION R-282059

Expressing support for supplemental funding for the Summer Youth Employment and Jobs Training Program; calling upon the Mayor to prepare and send letters to the San Diego Congressional delegation and appropriate Congressional Committee members and Administration representatives calling for quick legislative action to ensure that San Diego's youth will have additional jobs available to them in the summer of 1993.
(See Department of Legislative Services Report DLS-93-15.)

COMMITTEE ACTION: Reviewed by RULES on 5/24/93. Recommendation to approve. Districts 2, 3, 5, 6 and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-S404: (R-93-1972) ADOPTED AS RESOLUTION R-282060

Opposing AB 1313 (W. Brown) proposing sales tax exemptions for manufacturers to enhance California's competitive environment for attracting new and expanding manufacturing facilities;

Urging the State of California to take responsible action to resolve its budget and business competitiveness problems without doing further damage to cities which must provide the basic services on which business must rely;

Directing the Department of Legislative Services to make the City's opposition know to the author and to the appropriate legislative committees.

(See Department of Legislative Services Report DLS-93-18.)

COMMITTEE ACTION: Reviewed by RULES on 5/24/93. Recommendation to approve. Districts 2, 3, 5, 6 and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-S405: (R-93-1949)ADOPTED AS RESOLUTION R-282063

Adding to the City of San Diego's Legislative
Sponsorship Program legislation to exempt the San Diego
Clean Water Program from the prohibition on "Project
Wrap-Up Insurance"; directing the Department of
Legislative Services and the City's Sacramento lobbyist
to work cooperatively with the City of Fresno to seek
such legislation.

(See Department of Legislative Services Report
DLS-93-8.)

COMMITTEE ACTION: Reviewed by RULES on 5/24/93. Recommendation
to approve. Districts 2,3,5,6 and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A099-196.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Vargas.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-S406: (R-93-1971) ADOPTED AS RESOLUTION R-282061

Citing San Diego's designation as a "Mega Port" for the
Navy and expressing support for the retention of Naval
Air Station Miramar and Naval Aviation Depot North
Island, which have been added to the list of proposed
military base closures;

Directing the Department of Legislative Services to
communicate with and provide a copy of this resolution
to San Diego's congressional delegation and to the
City's legislative advocates in Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E118-572.)

MOTION BY BEHR TO ADOPT RESOLUTION FOR THE RETENTION OF THE NAVAL AVIATION DEPOT NORTH ISLAND AND DIRECT STAFF TO COMMUNICATE WITH THE BASE CLOSURE COMMISSION AS WELL AS SAN DIEGO'S CONGRESSIONAL DELEGATION AND THE CITY'S LEGISLATIVE ADVOCATES IN WASHINGTON, D.C. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

MOTION BY BEHR TO ADOPT RESOLUTION FOR THE RETENTION OF NAVAL AIR STATION MIRAMAR. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-nay, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-S407: (R-93-1974)ADOPTED AS RESOLUTION R-282062

Declaration of Unity for Fighting the City's Reduction in City Revenues:

Declaring that cities, schools, special districts and the County of San Diego oppose the shift of \$2.6 billion in property taxes proposed for Fiscal Year 1993-94, the shifting of any local tax resources to other agencies, and the shifting of program responsibilities from the State to local government; declaring that cities, schools, special districts and the County call upon the Governor and the legislature of the State of California to immediately establish fundamental reform to include the following principles:

Mandate Relief;

Grant local authority to eliminate State mandates identified by the local jurisdictions as "low or no" priority and grant local authority to determine the "level of service" for mandates without adequate funding. Such authority could be granted if a finding is made by a local agency that a fiscal emergency exists and to protect the public safety, health, and welfare of its people, this authority is necessary.;

Realignment of Functions and Revenues;

Realign functions between State, County and City governments to assure that services are provided at the most logical and economical level of government and realign revenue sources so that the levels of government providing the services receive an adequate level of funding;

Stabilization of Revenue Sources;

Stabilize revenue sources for Cities, Counties, Schools and Special Districts by identifying and ultimately locking into the State Constitution a guaranteed stable and predictable source of revenue;

Equitable Distribution of Revenues;

Distribute revenues in a fair and equitable manner within each local government jurisdiction;

Home Rule - Flexibility in Service Delivery;

Establish the ability of locally elected Boards of Supervisors, City Councils, Special District Boards of Directors and School Boards to institute home rule charters that establish flexibility for the agency to carry out its service delivery based on outcome-based measures.

COMMITTEE ACTION: Reviewed by RULES on 5/24/93. Recommendation to approve. (This was one part of an overall strategy for fighting the State's reduction in City revenues. The remainder of the strategy will be on a later agenda.) Districts 2, 3, 5, 6, and Mayor voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E576-F016.)

MOTION BY VARGAS TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:49 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F019-022.)